



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : Tanaka et al.
FOR : **ULTRA-FAST TRANSFORMATION
TECHNIQUE FOR MONOCOTYLEDONS**
SERIAL NO. : 09/914,546
FILED : March 12, 2002
EXAMINER : Georgia L. Helmer
ART UNIT : 1638
CONFIRMATION NO. : 9731
ATTORNEY DOCKET NO. : **YAMZ 2 00010**

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. §§ 1.56, 1.97, 1.98 and MPEP § 609, applicant(s) submit(s) the following Disclosure Statement concerning art of which the applicant(s) is (are) aware. A copy of PTO-1449 is enclosed herewith. This submission is being made in accordance with the Final Office Action dated January 5, 2004 requesting an official PTO-1449 Form containing the references cited in the Response of August 25, 2004. Therefore, these disclosures are not "After Final" since they were cited in a Response prior to the Final Rejection.

This Information Disclosure Statement is not intended to constitute an admission that any patent, publication or other information referred to herein or submitted herewith is "prior art" for this invention unless specifically designated as such.

In accordance with the United States Patent and Trademark Office OG Notice dated 05 August 2003, waiving the requirement under 37 C.F.R. §1.98(a)(2)(i), for



Image
1638

PTO/SB/17 (08-03)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180.00

Complete if Known

Application Number	09/914,546
Filing Date	March 12, 2002
First Named Inventor	Tanaka
Examiner Name	Helmer
Art Unit	1638
Attorney Docket No.	YAMZ 2 00010

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:
Deposit Account Number: 06-0308
Deposit Account Name: Fay, Sharpe

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	19	-20** = 0	X 0 = 0	0
Multiple Dependent	1	-3** = 0	X 0 = 0	0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180.00
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 180.00

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Richard M. Klein	Registration No. (Attorney/Agent)	33,000	Telephone	216/861-5582
Signature	<i>Richard M. Klein</i>	Date	April 5, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003, Applicant(s) has not enclosed copies of the cited U.S. patents with this Disclosure.

In accordance with 37 C.F.R. §1.97(g) and (h), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. §1.56(b) exists.

Under § 1.98(a)(3), no concise explanation of relevance is required for information that is in the English language. Accordingly, the enclosed require(s) no further explanation (or no translation is available).

Consideration of the appropriate paragraph(s) indicated below is respectfully requested:

☐ **WITHIN THREE MONTHS OF FILING:** Under § 1.97(b)(1), this Information Disclosure Statement is being filed within three months of the filing date of the application. Although it is believed no fee is necessary, any deficiency in fees should be charged to Deposit Account No. 06-0308.

☐ **BEFORE FIRST OFFICE ACTION:** Under § 1.97(b)(3), this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. Although it is believed no fee is necessary, any deficiency in fees should be charged to Deposit Account No. 06-0308.

☐ **INTERNATIONAL SEARCH REPORT:** Under § 1.97(e)(1), the undersigned certifies that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. Although it is believed no fee is necessary, any deficiency in fees should be charged to Deposit Account No. 06-0308.

☒ **BEFORE FINAL ACTION/WITH FEE:** Under § 1.97(c)(2), this information shall be considered if filed before the mailing date of a final action if accompanied by a fee in the amount of \$180.00 as required by §1.17(p). Accordingly, the necessary fee accompanies this Information Disclosure Statement. Any overpayment or deficiency can be charged to Deposit Account No. 06-0308.

☐ **PRIORITY CLAIM:** The attached PTO 1449 Form includes all patents, publications, or other information previously cited by or submitted to the Office in one or more prior applications from which the present application claims priority. These one or more prior applications are identified in the papers accompanying the filing of

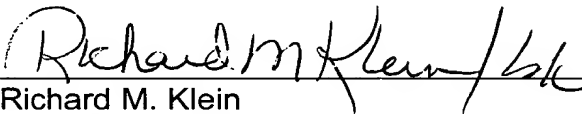
this application. In accordance with § 609 MPEP, only copies of art not previously submitted are enclosed.

It is respectfully requested that the attached document(s) be considered and officially cited in examination of this application.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

April 5, 2004
Date



Richard M. Klein
Reg. No. 33,000
1100 Superior Avenue
Seventh Floor
Cleveland, OH 44114-2518
216/861-5582

CERTIFICATE OF MAILING

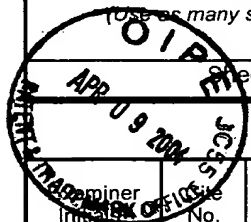
I certify that this Information Disclosure Statement and accompanying document(s) are being

- ☒ deposited with the United States Postal Service as First Class mail under 37 C.F.R. 1.8, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- ☐ transmitted to facsimile number under 37 C.F.R. 1.8 on the date indicated below.
- ☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date
April 5, 2004

	Signature
Lynda S. Kalemba	Printed Name

Substitute for form 1449/PTO		COMPLETE IF KNOWN	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT(S) (Use as many sheets as necessary)		Application Number	09/914,546
		Filing Date	March 12, 2002
		First Named Inventor	Tanaka
		Art Unit	1638
		Examiner Name	Helmer
Sheet 1 of 3		Attorney Docket No.	YAMZ 2 00010



U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	Document No. Number-Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AA	US-			
	AB	US-			
	AC	US-			
	AD	US-			
	AE	US-			
	AF	US-			
	AG	US-			
	AH	US-			
	AI	US-			
	AJ	US-			
	AK	US-			
	AL	US-			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Country Code-Number Kind Code (if known)				
	AM					
	AN					
	AO					
	AP					

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catdog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published		
	AQ	GRAVES ET AL., <u>The transformation of Zea mays seedlings with Agrobacterium tumefaciens</u> , Plant Molecular Biology 7, pp 43-50, 1986		
	AR	BYTEBIER ET AL., <u>T-DNA organization in tumor cultures and transgenic plants of the monocotyledon Asparagus Officinalis</u> , Proc. Natl. Acad. Sci. USA, Vol. 84, pp. 5345-5349, August 1987, Genetics		
	AS	SCHAFFER ET AL., <u>T-DNA integration and expression in a monocot crop plant after induction of Agrobacterium</u> , Department of Biology, Plant Molecular Biology Group, University of Frankfurt, Letters to Nature, Nature, Vol. 327, pp. 529 – 532, 11 June 1987		
	AT	SOMMER ET AL., <u>Genetic engineering of shikonin biosynthesis hairy root cultures of Lithospermum erythrorhizon transformed with the bacterial ubiC gene</u> , Plant Molecular Biology 39, pp. 683-693, 1999		
	AU	TOKI, <u>Rapid and Efficient Agrobacterium-Mediated Transformation in Rice</u> , Genetic Resources, Plant Molecular Biology Reporter, 15 (1) 1997, pp. 16-21		

Examiner Signature	Date Considered
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	BA	US-			
	BB	US-			
	BC	US-			
	BD	US-			
	BE	US-			
	BF	US-			
	BG	US-			
	BH	US-			
	BI	US-			
	BJ	US-			
	BK	US-			
	BL	US-			

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	BM					
	BN					
	BO					
	BP					

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume/issue number(s), publisher, city and/or country where published	T
	BQ	McCORMAC ET AL., <i>The use of visual marker genes as cell-specific reporters of Agrobacterium-mediated T-DNA delivery to wheat (Triticum aestivum L.) and barley (Hordeum vulgare L.)</i> , Euphytica 99, pp. 17-25, 1998	
	BR	KANG ET AL., <i>Identification of class B and class C floral organ identity genes from rice plants</i> , Plant Molecular Biology 38, pp. 1021-1029, 1998	
	BS	UZE ET AL., <i>Plasmolysis of precultured immature embryos improves Agrobacterium mediated gene transfer to rice (Oryza sativa L.)</i> , Plant Science, 130 (1997), pp. 87-95	
	BT	PARK ET AL., <i>T-DNA integration into genomic DNA of rice following Agrobacterium inoculation of isolated shoot apices</i> , Plant Molecular Biology, 32, pp. 1135-1148, 1996	
	BU	SAKAMOTO ET AL., <i>Metabolic engineering of rice leading to biosynthesis of glycinebetaine and tolerance to salt and cold</i> , Plant Molecular Biology, 38, pp. 1011-1019, 1998	

Examiner Signature		Date Considered	
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Substitute for form 1449/PTO		COMPLETE IF KNOWN	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT(S) (Use as many sheets as necessary)		Application Number	09/914,546
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	BD	US-			
	BE	US-			
	BF	US-			
	BG	US-			
	BH	US-			
	BI	US-			
	BJ	US-			

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	BM					
	BN					
	BO					
	BP					

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T
	BQ	DAIGEN ET AL., Hokuriku Sakumotsu-Gakkaiho, 30, pp. 80-82, 1995 (partial translation)	
	BR	YOKOI ET AL., <i>Tapetum-specific expression of the OSG6B promoter-β-glucuronidase gene in transgenic rice</i> , Plant Cell Reports, 16, pp. 363-367, 1997	
	BS	HIEI ET AL., <i>Efficient transformation of rice (Oryza sativa L.) mediated by Agrobacterium and sequence analysis of the boundaries of the T-DNA</i> , The Plant Journal, 6(2), pp. 271-282, 1994	
	BT	RAINERI ET AL., <i>Agrobacterium-mediated transformation of rice (Oryza sativa L.)</i> , Research Papers, Bio/Technology, Vol. 8, pp. 33-38, January 1990	
	BU	UZE ET AL., <i>Plasmolysis of precultured immature embryos improves Agrobacterium mediated gene transfer to rice (Oryza sativa L.)</i> , Plant Science, 130, pp. 87-95, 1997	
	BV	KHUSH (editor), <i>Rice Genetics III: Proceedings of the Third International Rice Genetics Symposium</i> , Manila, Philippines, 16-20 March October 1995	

Examiner Signature		Date Considered	
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